

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GREGORY SMITH DeDONNO,)	CASE NO. 1:10CV00167
)	
Petitioner,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
RICHARD HALL,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u> (Resolving ECF No. 12)

Before the Court is the Report of Magistrate Judge Kenneth S. McHargh recommending that Petitioner Gregory Smith DeDonno's petition for writ of habeas corpus filed pursuant to [28 U.S.C. § 2241](#) be dismissed. [ECF Nos. 1, 12](#).

The Federal Magistrate Act¹ requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [U.S. v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt a magistrate judge's report without review. *See Thomas, 474 U.S. at 149*.

In the instant case, Petitioner Harris has not filed objections to the Report and

¹ While the title of the federal judicial officer formerly known as "United States Magistrate" was changed, December 1, 1990, to that of "United States Magistrate Judge," the Act has not been retitled. *See* note: "Change of Name," 28 U.S.C. § 631 ("Section 321 of Pub.L. 101-650 provided that: "After the enactment of this Act [Dec. 1, 1990], each United States magistrate appointed under section 631 of title 28, United States Code [this section], shall be known as a United States magistrate judge . . .").

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Recommendation which was filed and issued *via* United States mail to petitioner on October 31, 2011.

The Court finds that the Report and Recommendation is supported by the record, and agrees with the recommendation to dismiss the instant petition pursuant to [28 U.S.C. § 2243](#). Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984); [Howard v. Sec'y of Health and Human Servs.](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). The Court also finds that, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), an appeal from this decision could not be taken in good faith.

Accordingly, the Court adopts the Report and Recommendation. [ECF No. 12](#). Petitioner DeDonno's petition ([ECF No. 1](#)) is dismissed, and an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

November 30, 2011

Date

/s/ Benita Y. Pearson

Benita Y. Pearson

United States District Judge